

WILLIE E. BENNETT

(Name)

C..SP. PO.BOX 911

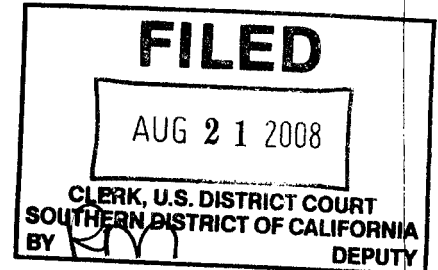
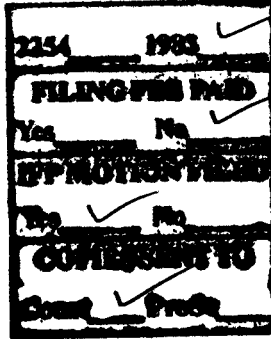
(Address)

IMperial, Ca 92251

(City, State, Zip)

F- 77661

(CDC Inmate No.)



United States District Court Southern District of California

WILLIE E. BENNETT

(Enter full name of plaintiff in this action.)

Plaintiff,

v.

GEORGE BAILEY DETENTION FACILITY, ET, AL
UNIVERSITY OF SAN DIEGO, CALIFORNIA, ET, AL.
TERENCE M. DAVIDSON, MD.,

(Enter full name of each defendant in this action.)

Defendant(s).

08 CV 1553 H JMA

Civil Case No. _____

(To be supplied by Court Clerk)

 Complaint under the
 Civil Rights Act
 42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

Plaintiff also invokes the pendent Jurisdiction of this court; &

28 U.S.C. § 1331

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, WILLIE E. BENNETT

(print Plaintiff's name)

_____, who presently resides at C.S.P. PO.BOX 911

(mailing address or place of confinement)

Imperial, Calif 92251

_____, were violated by the actions of the below named individuals. The actions were directed against Plaintiff at George Bailey Detention Facility

(institution/place where violation occurred)

on (dates) June 16, 2006, and _____.

(Count 1)

(Count 2)

(Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant George Bailey Detention Facility resides in 446 Alta rd., SD, CA,
(name) (County of residence)
 and is employed as a Public entity. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: See Attached Sheets (pg 1. Sec2)

Defendant Bill Kolender resides in 446 Alta rd, SD, CA 92158,
(name) (County of residence)
 and is employed as a Sheriff. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: See attached sheets (pg1. Sec 3).

Defendant UCSD Medical Center resides in SAN DIEGO,
(name) (County of residence)
 and is employed as a Private Corporation. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: See attached (pg 8. Sec 11).

Defendant Terence Davidson resides in To be announced,
(name) (County of residence)
 and is employed as a Medical Doctor. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: See attached sheets (pg 4. Sec 6.)

(1).

This is a complaint for damages for Defendants deliberate indifference to the serious medical needs of Plaintiff Willie Bennett during his confinement at The George Bailey Detention Facility by the San Diego Sherriffs Department.

(2).

Plaintiff is and was at all relevant times mentioned here -in an Inmate in the custody ,control, and care of The San Diego Sherriff Department Employees. Plaintiff was an Inmate at The George Bailey Detention Facility during The dates of 04-16-06 thru - 06-19-07. At all times during his incarceration, PLaintiff has relied on the medical care providers at The George Bailey Detention Facility to provide him with the necessary medical care

(3).

Plaintiff is informed and believes, and thereon alleges that, Defendant Bill Kolender, and at all times relevant herein was employed as The Sheriff of George Bailey Detention Facility. Plaintiff is further informed and believes, and thereon alleges, that Defendant Bill Kolender, will be leaving this position in the near future, where upon Plaintiff will seek to Amend the complaint to add the new Sheriff as a Defendant, as necessary. As the Defendant Bill Kolender, is and has been responsible for promulgating, supervising the promulgation of, implementing, supervising the implementation of, monitoring compliance with, supervising the monitoring of compliance with enforcing and/or supervising the enforcement of policies and procedures affecting the medical care of all inmates within The George Bailey Detention Facility.

1. In this position defendant Kolender is and has been respon-
2. sible for assuring that all inmates receive proper medical care,
3. including proper medical diagnosis and treatment. At all times
4. mentioned defendant Bill Kolender was acting under color of law,
5. in the course and scope of his employment, and is sued herein in
6. his Official and Individual Capacities.

7. (4). Defendant James Adams, M.D. was during part of the time
8. relevant herein employed by the George Bailey Detention Facility
9. Medical Practitioner Officer. Plaintiff is informed and believes,
10. and thereon alleges, that Defendant Adams is a properly Trained
11. and licensed Medical Doctor who was responsible for the medical
12. care of all inmates at the George Bailey Detention Facility. This
13. included, but not limited to, the supervision, direction and
14. /or proper training of the Medical Staff at the George Bailey
15. Detention Facility in the delivery of Health Care Services and
16. The Management of of Health Care Programs, involvement in the
17. determination of proper Medical Care for inmates, including, but
18. not limited to having Authority to Order and approve medical test
19. and treatments to be done; having authority to assure that inmate
20. (s) who are transferred to other institutions receive continuing
21. proper medical care; having authority and responsibility for ass-
22. uring the proper ordering and stocking of medical supplies; comm-
23. unication of medical needs to the Correctional Custody Staff, and,
24. generally, making sure that proper medical treatment is provided
25. to all inmates. Plaintiff is further informed and believes,
26. and thereon alleges, that defendant was responsible for assuring that
27.

28. The George Bailey Detention Facility Medical Staff, and all other

1. Medical providers with whom The San Diego Sheriff Department con-
2. tracted in providing medical care to inmates at The George Bailey
3. Detention Facility provided proper medical care to The inmates &
4. that all such individuals knew and understood, and acted pursuant
5. to the San Diego Sheriff Department's policy. At all times men-
6. tioned defendant Adams was acting under the color of law, in
7. the course and scope of his employment, and is sued herein in
8. his Official and Individual capacities.

9. (5). Defendant Lydia Yousif, R.N., is and at all times relev-
10. ant herein was employed by The George Bailey Detention Facility
11. as a Registered Nurse. The plaintiff is informed and believes,
12. and thereon alleges, that defendant is a properly trained and
13. licensed registered nurse who is and has been responsible for
14. the medical care of all inmates at The George Bailey Detention
15. Facility. At all times mentioned Defendant Yousif was acting
16. under the color of state law, In the course and scope of his/her
17. employment, and is sued in his/her Official and Individual Capa-
18. cities.

19. (6). Defendant Terrance M. Davidson, Md. is, and at all times
20. relevant herein was employed by The University of California
21. SAn Diego Medical Center ("UCSD Medical Center), as a physician
22. & Surgeon, a Chief Physician and Surgeon, and/or a CMO at UCSD
23. Medical Center. Plaintiff is informed and believes, and thereon
24. alleges, that Defendant Davidson is a properly trained and licen-
25. sed Medical Doctor who is and has been responsible for the medi-
26. cal care of patients at UCSD Medical Center which is contracted
27. by The San Diego Sheriff Department and The George Bailey Deten-
28. tion Facility to perform serious out patient medical procedures.

1. This includes, but not limited to, The supervision, direct-
2. ion, and/or proper training of the the medical staff at UCSD Medi-
3. cal Center in the delivery of Health Care Services and the the
4. management of Health Care Programs; involvement in the proper med-
5. -ical care for inmates, including, but not limited to, having
6. authority to order and approve medical test and treatments to be
7. done; having authority to assure that inmates/patients who are
8. transferred back to the institution receive continuing proper med-
9. -ical care; having authority and responsibility for assuring the
10. proper ordering and stocking of medical supplies; communications
11. of medical needs to the San Diego Custody Staff, and, generally,
12. making sure that proper medical treatment is provided to the in-
13. mate/patient. Plaintiff is further informed and believes and
14. thereon alleges, that Defendant Davidson, is responsible for ass-
15. uring that the UCSD Medical Center Medical Staff, and all other
16. medical providers with whom The San Diego Sheriff Department cont-
17. -tracts in providing medical care to inmates at the George Bailey
18. Detention Facility, provide proper medical care to the inmates, &
19. that such individuals know and understand, and act pursuant to
20. San Diego Sheriff Department and UCSD medical policy. At all times
21. mentioned, Defendant Davidson, was acting under the color of
22. state law, in the course and scope of his employment, and is sued
23. in his Official & Individual Capacities.

24. (7).

25. Defendant Daniel Pena is and at all times relevant here-
26. in was employed by the San Diego Sheriff Department as a Captain
27. at The George Bailey Detention Facility. Plaintiff is informed &
28. believes, and thereon alleges, that Defendant Pena, is a properly
trained Deputy Sheriff Captain who is and has been responsible

1. for the safety, security, and over all well-being of all inmates
2. at the George Bailey Detention Facility. At all times mentioned
3. Defendant Pena, was acting under the color of state law, in the
4. course and scope of his employment, and is sued in his Official
5. & Individual Capacities.

6. (8).

7. Defendant Ruby Banks, is, and at all times relevant here-
8. in was employed by The San Diego Sheriff Department as a Lieuten-
9. ant Deputy Sheriff at The George Bailey Detention Facility . Pla-
10. intiff is informed and believes and thereon alleges, That Defend-
11. ant Banks, is a properly trained Deputy Sheriff who is and has
12. been responsible for the safety, security, and over all well-
13. being of all inmates at The George Bailey Detention Facility. At
14. all times mentioned Defendant Banks was acting under color of
15. state law, in the course and scope of her employment and is sued
16. in her Official and Individual Capacities.

17. (9).

18. Defendants designated as Does 1 through 5, inclusive, co-
19. nsist of any & all successors of Defendant Bill Kolender, Whe-
20. ther in "Acting" capacity or otherwise. As acting Sheriff and as
21. Sheriff, Does 1 through 5 are responsible for promulgating, super-
22. -vising The promulgation of, implementing, supervising The Imple-
23. mentation of, monitoring compliance with, enforcing and/or super-
24. vising the enforcement of policies and procedures affecting The
25. medical care of all inmates housed within The George Bailey Deten-
26. -tion Facility. These Defendants are also responsible for assur-
27. ing That all inmates receive proper medical care, including pro-
28. per diagnosis and treatment. AT all times mentioned herein these
Defendants were acting under color of state law,.....

1. In The Course and Scope of their employment, and are sued
2. Herein in their Official and Individual Capacities. The True
3. Names and Capacities of said Doe 1 through 5, are presently
4. unknown to Plaintiff, who therefore sues them by such Fic
5. -titious Names and will seek to amend this complaint to add
6. their True Names, and Capacities when they have been ascertained.
7. (10).

8. Defendants designated herein as Does 6 through 25 inclu-
9. sive, consist of individuals other than Acting Sheriff or Sheriff
10. of The George Bailey Detention Facility, who were or are current-
11. ly employed by The San Diego Sheriff Department and are responsi-
12. ble for The Medical Care of all inmates at the George Bailey
13. Detention Facility, including, but not limited to, The Supervis-
14. ion, direction and/or proper training of The Medical Staff at
15. The George Bailey Detention Facility in The delivery of Health
16. Care Services and The Management of Health Care Programs; Invol-
17. vement in The determination of proper Medical Care for Inmates,
18. Including, but not limited to, Having Authority to Order and
19. approve Medical Test and Treatments to be done; Having Author-
20. ity to assure that inmates who are transferred to other instit-
21. utions receive continuing proper Medical Care; Having Authority
22. and Responsibility for assuring The Proper Ordering and stocking
23. of medical supplies; communication of medical needs to the George
24. Bailey Detention Facility Staff; and, generally, making sure that
25. proper medical treatment is provided to all inmates. Plaintiff
26. is informed and believes, and thereon alleges, each of these Doe
27. /defendants 6 through 25 is responsible in some manner for The
28. for the injuries alleged in this complaint.

1. At all times mentioned Herein these defendants were acting under
2. the color of state law, in the course and scope of their employ-
3. ment, and sued herein their Official and Individual Capacities.
4. The True Names and capacities of said Does 6 through 25 are pres-
5. ently unknown to the plaintiff, who therefore sues them by such
6. fictitious names and will seek to leave to amend this complaint
7. to add their true names and capacities when they have been ascer-
8. tained.

9. (11).

10. Defendants Designated herein as Does 26 through 50, in-
11. clusive, consist of individuals other than ,and including, a phy-
12. sician and/or a surgeon of The UCSD Medical Center, who were or
13. are currently employed and/or contracted by The San Diego Sheriff
14. Department and are responsible for the medical care of all pati-
15. ents/inmates brought to The USCD Medical Center by The San Diego
16. Sheriff Department Custody Staff for Medical Treatment, Including
17. but not limited to, The Supervision, Direction, and or proper
18. training of The Medical Staff at UCSD Medical Center in the
19. Delivery of Health care services, and The Management of Health
20. Care Programs; involvement of in The determination of proper
21. Medical Care for inmate/patients, including But not limited to,
22. having authority to Order and approve medical test and treatments
23. to be done; having authority to assure that inmate/patients who
24. are returned to The George Bailey Detention Facility continue to
25. receive proper medical care; having authority and responsibility
26. for assuring proper ordering and stocking of medical supplies;
27. communication of medical needs to The San Diego Sheriff Depart-
28. ment custody staff and generally, making sure that proper medical

1. generally, making sure that proper medical treatment is provided
2. to all inmates/patients. Plaintiff is informed and believes, and
3. thereon alleges, each of these Doe Defendants 26 through 50,
4. is responsible in some manner for The injuries alleged in this
5. complaint. At all times mentioned herein these defendants were
6. acting Under The Color of State Law, in the course and scope
7. of their employment, and are sued herein their Official and
8. Individual Capacities of said Does 26 through 50, are presently
9. unknown to plaintiff, who therefore sues them by such fictitious
10 names and will seek to amend this complaint to add their true
11 names and capacities when they have been ascertained.
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C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Due Process Violation

(E.g., right to medical care, access to courts,

Deliberate indifference to serious medical needs.

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

12. Since approximately June 16, 2006, Plaintiff Willie E. Bennett sustained a jaw injury while in custody of The San Diego Sheriff Department at The George Bailey Detention Facility. Plaintiff complained numerous times of pain and swelling and 52 days later was taken to UCSD Medical Center for treatment.

13. An X-Ray was ordered at which time plaintiff was found to have a mandibular fracture. The X-Ray Diagnosis also included a recommendation for a CT Maxillofacial for a more thorough evaluation of these fractures.

14 Plaintiff saw defendant Dr. Terence Davidson on 06/29/06 and at that time Defendant Davidson noted that Plaintiff needs an orif on the left sided fracture and right.

15. On 07/18/06 a physician recommended that plaintiff get surgery done as soon as possible.

(16).

1. Plaintiff did not receive surgery until 08/07/06 at
2. which time The fractures had partially healed requiring them
3. to be rebroken. Plaintiff's jaw was not wired shut, nor was
4. the right side mandible fracture reduced and plated.

5. (17).

6. Defendants, and each of them, failed to diagnose and
7. treat plaintiff and said failure was negligent and below the
8. Standard of Care and competence that is common to medical prac-
9. titioners in said community.

10. (18).

11. At all times herein mentioned, Defendant UCSD Medical Center
12. was a hospital providing medical services and, Does 26 through
13. 50, inclusive, were physicians, and other medical providers
14. and practitioners in San Diego County all of whom held themselves
15. out as possessing The Degree to skill and competence common
16. to medical practitioners in said community.

17. (19).

18. Plaintiff is a forty seven year old male who was treated
19. by Defendant UCSD Medical Center in their Hospital for treatment
20. of a broken jaw.

21. (20).

22. Plaintiff consulted with UCSD Medical Center to treat
23. and repair a broken jaw that plaintiff sustained while in the
24. custody of George Bailey Detention Facility. Defendants neglected
25. to appropriately treat plaintiff causing a delay in care, infect-
26. ions, intolerable pain and other injury to plaintiff. Plaintiff
27. is informed and believes and thereon alleges, defendants did
28. not treat plaintiff to The Standard of Care required of them,
causing further injuries.

1. Plaintiff has numbness in his lips and chin as a result of this
2. delay in treatment as well as the daily pain. Plaintiff has
3. undergone one surgery as an attempt to correct the problem and
4. will now have to undergo other surgeries as well to make him
5. whole again.

6.

7. (21). As a result of the aforementioned acts and omissions of
8. defendant, Plaintiff suffered severe personal injury requiring
9. additional medical treatment. The acts and omissions of Defendant
10. UCSD Medical Center have caused Mr. Bennett severe physical and
11. emotional pain and suffering and other damages, as alleged in the
12. complaint.

13.

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D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: N/A

Defendants: N/A

(b) Name of the court and docket number: N/A

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] N/A

(d) Issues raised: N/A

(e) Approximate date case was filed: N/A

(f) Approximate date of disposition: N/A

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

22 Plaintiff has filed numerous San Diego Sheriff Department

Inmate grievance forms relative to Defendants conduct described

herein. One such appeal was filed November 7, 2006, wherein

plaintiff asked for "Proper Medical" attention and pain relief"

from his medical condition related to his broken jaw. This inmate

grievance by defendant was routed to medical on November 7, 2006

at 17:00 hours by a staff member at The George Bailey Detention

Facility by #063761; ARJIS # 3761. This is the staff facility

members identification number. On November 10, 2006 the response

1. to grievance by medical staff #6567 states; "You are rescheduled
2. to see this Doctor "(Medical Director of GBDF). A copy of the
3. appeal is attached to plaintiffs complaint. Plaintiff has filed
4. a claims for damage against The County of San Diego on November
5. 1, 2006 naming Defendant George Bailey Detention Facility.
6.
7.

8. "CLAIM FOR RELIEF "

9. " DUE PROCESS VIOLATION - DELIBERATE INDIFFERENCE "
10. TO SERIOUS MEDICAL NEEDS
11.

12. (23).Plaintiff refers to and incorporates by reference herein
13. the allegations of paragraphs 12 through 21 inclusive.
14.

15. (24). Plaintiffs medical condition, as described herein,
16. constitutes a serious medical need in that failure to treat
17. The condition has resulted in further significant injury, and
18. The ongoing failure to treat it is likely to cause more serious
19. injury. Said injury has included, but not necessarily been limit-
20. ted to, infection, numbness in his lip and chin, loose teeth,
21. misalignment of the jaw bone, extreme and intolerable daily
22. pain, severe emotional distress. Plaintiffs medical condition
23. also significantly affects his activities in prison each and
24. everyday.

25. (25). Plaintiff is informed and believes, and thereon alleges
26. that Defendants have acted intentionally in the manner described
27. above with knowledge of plaintiffs suffering and the risk of
28. further serious harm that could result from their actions or

1. refusal to act.

2. (26). Defendants conduct violates U.S.C 1983, because that
3. conduct constitutes poor conditions and restrictive regulations
4. that amounted to punishment... that's not related to a legitimate
5. goal ; The actions herein alleged in this complaint did not
6. have any purpose and was an exaggerated response to a real
7. concern constituting a deliberate indifference to plaintiff's
8. serious medical needs in violation of his Fourteenth Amendment
9. Due Process Rights to deprive his "Life and Liberty" through
10. inadequate medical care, which created atypical and significant
11. hardship on the inmate in relation to the ordinary incidents
12. of his life.

13. (27). As an approximate result of the defendants conduct,
14. plaintiff has suffered and continues to suffer general damages
15. in the form of severe pain and suffering and emotional distress.
16. Plaintiff is informed and believes, and thereon alleges, that
17. he will continue to suffer such damages in the future.

18. (28). As a further proximate result of defendants conduct,
19. plaintiff is informed and believes and thereon alleges, that
20. he will suffer special damages in the future in the form of
21. medical expenses for treatment of his condition, and loss of
22. income.

23. (29). In acting as described herein above, defendants acted
24. despicably, knowingly, willfully, and maliciously, or with reck-
25. less or callous disregard for plaintiff's Federally and State
26. protected rights, entitling plaintiff to an award of compensatory
27. and punitive damages.

28.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF WILLIE E. BENNETT PRAYS FOR JUDGEMENT
AGAINST DEFENDANTS AS FOLLOWS:

1. FOR GENERAL DAMAGES, ACCORDING TO PROOF;
2. FOR SPECIAL DAMAGES, ACCORDING TO PROOF;
3. FOR PUNITIVE DAMAGES, ACCORDING TO PROOF;
4. FOR REASONABLE ATTORNEY FEES PURSUANT TO 42 U.S.C.
§ 1983;
5. FOR COST OF THE SUIT; AND
6. FOR SUCH OTHER AND FURTHER RELIEF AS THE COURT MAY
DEEM JUST AND PROPER.
7. PLAINTIFF REQUEST A TRIAL BY JURY.

DATED : 8-13-08

SIGNED : Willie Bennett

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): _____

2. Damages in the sum of \$ _____.

3. Punitive damages in the sum of \$ _____.

4. Other: See claim for relief attached to complaint.

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

8-13-08

Date

Willie Bennett
Signature of Plaintiff

ATTACHMENT

1

**STATE OF CALIFORNIA
CLAIM AGAINST THE COUNTY OF
SAN DIEGO**

FILED NOVEMBER 1, 2006

ISSUEE : DAMAGE TO PERSON

[2 PAGES]



Received by _____ via
U.S. Mail ☒
Inter-Office Mail ☐
Over the Counter ☐

Time Stamp

File No.: _____

A claim must be filed with the Claims Division of the County of San Diego within 6 months after which the incident or event occurred. Be sure your claim is against the County of San Diego, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph number. Completed claims must be mailed or delivered to:
County of San Diego, Claims Division, 1600 Pacific Highway, Room 355, San Diego, CA 92101-2469, phone (619) 531-4899.

TO THE HONORABLE BOARD OF SUPERVISORS, The County of San Diego, California

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

1. Name of Claimant: Bennett Willie Edward
Last Name First Name Middle Name
A. Address of Claimant: 4225 Executive Square, Suite 1550, La Jolla, CA
Street Address City Zip 92037
B. Home Phone: () _____ Work Phone: (619) 784-0123 x443 C. Birthdate: 9/29/61
D. E-mail Address: _____ E. Driver's License No.: _____

2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:

3. Occurrence or event from which the claim arises:

A. Date: 6/19/06 B. Time: _____

C. Place (exact and specific location): George F. Bailey Detention Facility
446 Aita Road, San Diego, CA

D. Specify the particular occurrence, event, act or omission you claim caused the injury or damage (use additional paper if necessary): Inmate, Willie Bennett # 6116601, sustained an injury to his jaw as a result of being hit by a door. An x-ray on 6/26/06 indicated a mandibular fracture(s). Surgery was delayed by 6 weeks resulting in significant damage.

E. State how or wherein the County of San Diego or its employees were at fault. Give the name(s) of the County department and employee(s) causing the damage or injury: Medical and Administrative Personnel failed and neglected to provide timely and proper medical and surgical care to the inmate who required immediate surgery to repair fractures of the jaw, causing injuries.

(over)

injuries, state "no injuries": Mr. Bennett continues to suffer from

complications post his surgery of 8/7/06 and he
to undergo another surgical procedure.

5. Name and address of any other person injured: N/A

6. Name and address of the owner of any damaged property: N/A

7. Damages claimed:

A. Amount claimed as of this date: \$ exceeds jurisdiction of all lower courts.

B. Estimated amount of future costs: \$

C. Total amount claimed: \$

D. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.):

E. Damaged vehicle (if applicable): Make: _____ Model: _____ Year: _____

License Plate No.: _____ Mileage: _____

Insurance Company: _____ Policy No.: _____

8. Names and addresses of all witnesses, hospitals, doctors, etc.:

A. Medical and administrative personnel at

B. the prison, claimants

C. Outside medical providers at UCSF

9. Any additional information that might be helpful in considering this claim:

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (Penal Code § 72; Insurance Code § 556.1)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 1st day of NOV., 2006 at LA JOLLA CA

There was letter from this 3rd attorney into January 2, 2007

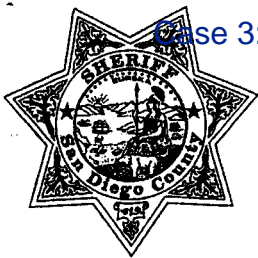
Bl V Bell, Esq. AS
Claimant's Signature
ATTORNEY FOR CLAIMANT

ATTACHMENT

2

**SAN DIEGO COUNTY SHERIFF'S
DEPARTMENT INMATE GRIEVANCE
FILED: NOVEMBER 7, 2006
ISSUE: MEDICAL**

2 PAGES



San Diego County SHERIFF'S DEPARTMENT

NOV 08 2006

INMATE GRIEVANCE FORM FORMA DE QUEJA DE PRESO

☐ SDCJ ☐ DDF ☒ GBDF ☐ EMDF ☐ LCDF ☐ SBDF ☐ VDF

From: BENNETT Willie Edward 116601 2A/201
De: Name (Last, First, Middle) Booking Number Housing unit
Nombre (Ultimo, Primero, Segundo) Número de ficha Unidad de alojamiento

Grievance is about: ☐ Jail Procedures ☐ Jail Conditions ☒ Medical ☐ Other ADMIN
La queja es acerca de: Procedimientos de la Cárcel Condiciones de la Cárcel Médico Otro

Date and Time of Incident: 11-7-06 3:00 P.M.
Fecha y hora del incidente:

Describe the reason for your grievance in your own words. Please be specific. (Use additional sheets if necessary)
Describe la razón de su queja en sus propias palabras. Por favor sea específico. (Use hojas adicionales si es necesario)

ON OR ABOUT 6-17-06 I WAS HOUSED IN UNIT 1A AS I
CAME FROM VISITING WALKING INTO THE TANK THE DOOR WAS
THRUST OPEN AND HIT ME ON THE CHIN. MY WHOLE FACE WAS
SWOLLEN. I THOUGHT IT WOULD GO DOWN SO I WAITED TWO DAYS
AND SUBMITTED A REQUEST FOR MEDICAL. AFTER HAVING AN X-RAY
TAKEN IT WAS DETERMINED THAT MY JAW WAS BROKEN IN TWO
PLACES. FROM THAT POINT IT TOOK NEARLY TWO MOS. BEFORE I
HAD SURGERY IN WHICH TIME MY JAW STARTED TO HEAL AND HAD
TO BE RE-BROKEN. I WAS IN SEVERE PAIN ALL THAT TIME AND
I WAS TREATED AS THOUGH MY INJURY WAS SERIOUS. SINCE MY
SURGERY WHICH MY JAW WAS MAL-ALIGNED MY TEETH ARE MOVING
AND MY JAW HAS SHIFTED AND I HAVE BEEN IN CONSTANT PAIN

Willie Bennett 11-7-06
Inmate Signature Date
Firma de Preso Fecha

BOX BELOW IS FOR OFFICIAL USE ONLY

Received by:	<u>DGB76</u>	<u>376</u>	<u>11/7/06</u>	<u>17:00</u>
	Signature of receiving staff member	ARJIS #	Date	Time
Entered in JIMS:				
	Date	Time	JIMS Grievance Number	
Routed to:	<u>MEDICAL</u>	<u>11/7/06</u>	<u>17:00</u>	
	Print name of individual or unit	Date	Time	
<input checked="" type="checkbox"/> This is not a grievance: <input checked="" type="checkbox"/> This is an inmate request—resolve appropriately. (No entry in JIMS.)				
<input type="checkbox"/> This is an appeal of discipline—JIMS Incident # _____				
<input type="checkbox"/> This is a complaint against staff—handle appropriately. (No entry in JIMS.)				

11/10/06

To I/P Bennett, Willie #6116601

You submitted some paper work on 11/7/06. In regard to your jaw, you were scheduled to see the Medical Director of GBDF last week but you had court the same day. You are rescheduled to see this Doctor so when you are called please do not refuse. If your medical condition is not about the above problem please put in another request to have medical reevaluate you.

Thank you,
Medical Staff #6567

ATTACHMENT

3

COUNTY OF SAN DIEGO

INTER - DEPARTMENTAL CORRESPONDENCE

DATE: JANUARY 4, 2007

**TO: DANIEL J PENA, CAPTAIN - DETENTIONS
GEORGE F. BAILEY DETENTION FACILITY**

**FROM : RUBY BANKS, LIEUTENANT - DETENTIONS
GEORGE F. BAILEY DETENTION FACILITY**

ISSUE: THE MEDICAL CARE OF WILLIE BENNETT

BN6116601



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

January 4, 2007

TO: Daniel J. Peña, Captain - Detentions
George F. Bailey Detention Facility

FROM: Ruby Banks, Lieutenant - Detentions
George F. Bailey Detention Facility

THE MEDICAL CARE OF WILLIE BENNETT BN6116601

Lydia Yousif R.N. reviewed Mr. Bennett's lengthy chart. I took notes to ensure I got the important information. I also reviewed his I.S.R. history.

Mr. Bennett was one of seven inmates moved from SBDF for possibly being involved in a fight on 05-27-06.

Mr. Bennett requested to be seen by medical on 06-18-06 by using a medical request form. He was referred to the oral surgeon on 06-19-06.

when I called I stated what you said, I did not say this. I also said your jaw was extremely swollen your jaw was narrow but I didn't ask what they said, "Was he in a fight?" I don't have

On 06-21-06 Mr. Bennett's wife called the facility and reported her husband was the victim of a battery and he was not receiving treatment for a swollen jaw. Mr. Bennett was interviewed by Corporal Weinberger and Sergeant Villa but he was adamant he was not assaulted and his jaw was swollen because he was hit by the visit door as he was returning from his visit on 06-16-06. He said he was not paying attention and the door closed on him. I attempted to review the video recorder, to see if I could confirm he was hit by the door, but it only goes back to 07-23-06. I did confirm he had a visit that night at 2015 hours with his wife, Paula Bacaycay. Sergeant Villa requested Bennett be seen as soon as possible by the doctor for his swollen jaw.

On 06-22-06, the next day, he was seen by Doctor Adams. Mr. Bennett complained he was hit by a door six days earlier. He did not request to be seen at that time. He was referred for x-rays to rule out fractures. The results of his x-rays were reviewed on 06-26-06 and he was referred to the head and neck surgeon on 06-29-06 for fracture repair. He was referred back to the oral surgeon for TMJ. He was referred back to the head and neck surgeon for fracture repair on 07-31-06. Due to a scheduling problem at U.C.S.D. (which could be with the surgeon or operating room etc) he was re-scheduled for 08-07-06 at which time his fractures were repaired by Dr. Davidson. Mr. Bennett was housed in MOB for most of his jaw recovery. He has been seen numerous times for pain and requesting medication.

JS44

(Rev. 07/89)

CIVIL COVER SHEET

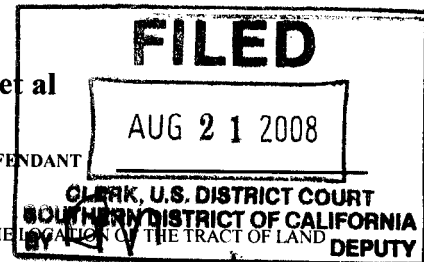
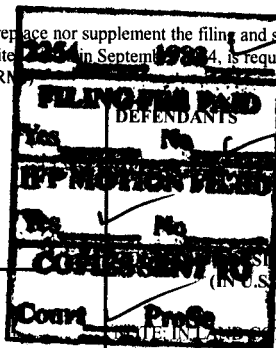
The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1984, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM)

I (a) PLAINTIFFS

Willie E. Bennett

GBDF, et al

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF **Imperial**
(EXCEPT IN U.S. PLAINTIFF CASES)



(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Willie E. Bennett
PO Box 911
Imperial, CA 92251
F-77661

ATTORNEYS (IF KNOWN)

'08 CV 1553 H JMA

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 8/21/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Muley

CR